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Attorneys for Plaintiff
DAVID KAYNE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION -- E-FILING

DAVID KAYNE, an individual citizen
of Georgia,

Plaintiff,

vs.

THE THOMAS KINKADE COMPANY,
formerly known as MEDIA ARTS
GROUP, INC., a Delaware Corporation,

Defendant.

Case No. C 07- 4721 JF (RS)

CERTIFICATE OF SERVICE
(Local Rule 5-6(a)(2))

I, CHARLES L. COLEMAN, III, declare as follows:

1. I am a member of the firm of Holland & Knight LLP and am admitted to practice before this Court. I am lead counsel for plaintiff David Kayne ("Mr. Kayne") in this matter. I have personal knowledge of the facts set forth in this declaration or know the same to be true and if called as a witness I would testify competently and truthfully regarding those facts.

2. On September 13, 2007, I contacted Charles E. Weir of the Los Angeles office McDermott Will & Emery by telephone. At that time, Mr. Weir confirmed to me that he will be one of the lawyers for defendant The Thomas Kinkade Company ("TKC") in this matter. During that telephone conversation, I advised Mr. Weir that (consistent with our prior discussions of Mr. Kayne's intentions) we had now

1 commenced this action on behalf of Mr. Kayne before this Court. I asked Mr. Weir
2 if he would accept service of the summons, complaint and related papers on behalf
3 of his client TKC rather than having us serve them on TKC. Mr. Weir agreed that
4 he would accept service on behalf of TKC and we further agreed that service would
5 be deemed to have been effected as of his receipt of a copy of the summons and
6 complaint the following day (Friday, September 14, 2007) by Federal Express.

7 3. At approximately 4:58 p.m. on Thursday, September 13, I sent Mr.
8 Weir an e-mail confirming the foregoing understanding and agreement that service
9 upon TKC would be deemed completed as of Mr. Weir's receipt of the summons,
10 complaint and related materials on September 14.. I attached to that email a
11 courtesy copy of the Complaint.

12 4. On September 13, 2007, and pursuant to the foregoing agreement, I
13 caused copies of the following documents to be sent by Federal Express "Priority
14 Overnight" service, for delivery on September 14, 2007 to "Charles E. Weir, Esq.,
15 McDermott Will & Emery, 2049 Century Park East, Suite 3400, Los Angeles, CA
16 90067": (i) Complaint for Declaratory and Injunctive Relief; (ii) Summons in a Civil
17 Case issued by this Court; (iii) Order Setting Initial Case Management Conference
18 and ADR Deadlines; (iv) Standing Order Regarding Case Management in Civil
19 Cases; (v) Standing Order for All Judges of the Northern District of California/
20 Content of Joint Case management Statement; (vi) Certification of Interested
21 Entities or Persons; (vii) Form Entitled "Welcome to the U. S. District Court for the
22 Northern District of California, Clerk's Office, San Jose Division"; (viii) Form
23 Entitled, "Northern District of California San Jose Division Criminal and Civil law
24 and Motion/Trial Settlement/Case Management/Dismissal Hearing Schedules; (ix)
25 "Notice of Availability of Magistrate Judge to Exercise Jurisdiction"; (x) ECF
26 Registration Information Handout; and (xi) "Public Notice-Magistrate Judge" A true
27 and correct copy of the Federal Express packing slip and signed proof of delivery is
28 attached hereto as Exhibit "A".

1 5. I have subsequently confirmed with Mr. Weir that he did indeed
2 receive the Federal Express envelope containing the summons, complaint and other
3 materials that we sent to him. I have further confirmed with Mr. Weir that it is his
4 understanding that TKC has been served with the summons, complaint and other
5 documents as of September 14, 2007 so that TKC's response to the complaint (by
6 way of answer or other motion) is due to be filed and served no later than Thursday,
7 October 4, 2007.

8 6. Based on the foregoing, I hereby certify that defendant The Thomas
9 Kinkade Company has been served with the summons, complaint and other
10 documents described above on and as of September 14, 2007 by virtue of the actual
11 receipt of these materials by its counsel at the Los Angeles office of McDermott, Will
12 & Emery on September 14 as described above and in Exhibit "A" to this declaration.

13 I declare under penalty of perjury, under the laws of the United States and of
14 the State of California, that the foregoing is true and correct and that I have
15 executed this declaration this 1st day of October, 2007 at San Francisco, California.



CHARLES L. COLEMAN, III

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4824851_v1

EXHIBIT A

From: Origin ID: APCA (415)743-6903
Beverly Hupperl
HOLLAND & KNIGHT LLP
50 CALIFORNIA STREET, SUITE 2800

SAN FRANCISCO, CA 94111



CL5052972/121

SHIP TO: (310)284-6159

BILL SENDER

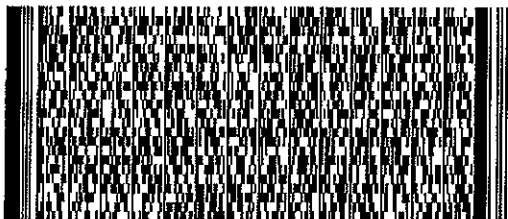
Charles E. Weir, Esq.
McDermott Will & Emery
2049 Century Park East
Suite 3400
Los Angeles, CA 90067

Ship Date: 13SEP07
ActWgt: 1 LB
System#: 5908729/INET7081
Account#: S *****

Delivery Address Bar Code



Ref # 099184.00003
Invoice #
PO #
Dept #

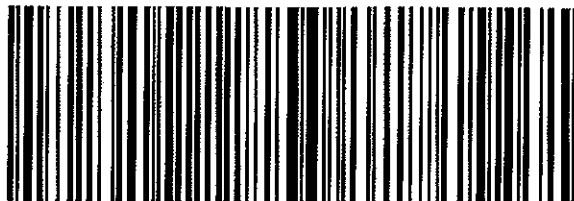


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To: Huppert, Beverley A (SFR - X56903)
Subject: FedEx Shipment 798763331065 Delivered

This tracking update has been requested by:

Company Name: HOLLAND & KNIGHT LLP

Name: Beverley Huppert

E-mail: bahupper@hklaw.com

Our records indicate that the following shipment has been delivered:

Tracking number:	798763331065
Reference:	099184.00003
Ship (P/U) date:	Sep 14, 2007
Delivery date:	Sep 14, 2007 10:19 AM
Sign for by:	D.BAYLISS
Delivered to:	Shipping/Receiving
Service type:	FedEx Priority Overnight
Packaging type:	FedEx Envelope
Number of pieces:	1
Weight:	1.00 lb.

Shipper Information
Beverley Huppert
HOLLAND & KNIGHT LLP
50 CALIFORNIA STREET, SUITE 2800
SAN FRANCISCO
CA
US
94111

Recipient Information
Charles E. Weir, Esq.
McDermott Will & Emery
2049 Century Park East
Suite 3400
Los Angeles
CA
US
90067

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Tracking number 798763331065
Signed for by D.BAYLISS
Ship date Sep 13, 2007
Delivery date Sep 14, 2007 10:19 AM

Reference 099184.00003
Destination Los Angeles, CA
Delivered to Shipping/Receiving
Service type Priority Envelope
Weight 1.0 lbs.

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Shipment?**Go to [shipper login](#)**Status** Delivered**Signature image
available** [Yes](#)

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Sep 14, 2007	10:19 AM Delivered	Los Angeles, CA	
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	6:40 AM At local FedEx facility	MARINA DEL REY, CA	
	4:30 AM At dest sort facility	LOS ANGELES, CA	
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	6:34 PM Package data transmitted to FedEx		
	6:17 PM Picked up	SAN FRANCISCO, CA	



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September 28, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **798763331065**.

Delivery Information:

Status:	Delivered	Delivery location:	Los Angeles, CA
Signed for by:	D.BAYLISS	Delivery date:	Sep 14, 2007 10:19
Service type:	Priority Envelope		

A rectangular area containing a handwritten signature "D. Bayliss" in black ink. The signature is written over a background of repeating "FedEx" logos in a light gray, semi-transparent font.

Shipping Information:

Tracking number:	798763331065	Ship date:	Sep 13, 2007
		Weight:	1.0 lbs.

Recipient:
Los Angeles, CA US

Shipper:
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